

Message Text

CONFIDENTIAL

PAGE 01 STATE 057040

43

ORIGIN L-02

INFO OCT-01 EUR-12 IO-10 ISO-00 SCA-01 JUSE-00 H-02

CIAE-00 INR-07 NSAE-00 /035 R

DRAFTED BY L/EUR:SGUDGEON:EUR/SE:RWERDMAN

APPROVED BY EUR - L. BRUCE LAINGEN

L/EUR - H. RUSSELL

EUR/SE - N. LEDSKY

L/C - F. KWAITEK

L - M. FELDMAN

----- 045045

R 132351Z MAR 75

FM SECSTATE WASHDC

TO AMEMBASSY NICOSIA

AMEMBASSY ANKARA

INFO AMEMBASSY ATHENS

USMISSION USUN NEW YORK

AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY ROME

AMEMBASSY BONN

USMISSION EC BRUSSELS

C O N F I D E N T I A L STATE 057040

E.O. 11652: GDS

TAGS: PFOR, CY, TU, CPRS, US

SUBJECT: PROPERTY CLAIMS IN TURKISH-CONTROLLED AREA OF
CYPRUS

REF: A) NICOSIA 650; B) NICOSIA 380; C) NICOSIA 786;
--.. D) ANKARA 1427; E) NICOSIA 845; F) ANKARA 1643

1. DEPARTMENT APPRECIATES THOROUGH REPORTING AND THOUGHT-
FUL COMMENTS FROM EMBASSIES ANKARA AND NICOSIA REGARDING
TURKISH CYPRIOT NOTE OF JANUARY 28 ON THE REGISTRATION OF
PROPERTY IN TURKISH-CONTROLLED AREA OF CYPRUS. WE HAVE
WEIGHED VARIOUS ARGUMENTS IN LIGHT OF OUR LEGAL RESPONSI-
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 057040

BILITIES TO PROTECT US-OWNED PROPERTY, INTERNATIONAL LAW

REGARDING COMPENSATION, SENSITIVE POLITICAL QUESTION INVOLVED, PRACTICAL CONSEQUENCES OF US ACTIONS, AND LIKELIHOOD THAT PROPERTY CLAIMS WILL NOT BE SETTLED PRIOR TO ACHIEVEMENT OF OVERALL POLITICAL SETTLEMENT. DEPARTMENT CONCLUSIONS ARE AS FOLLOWS:

2. ADVICE TO US CITIZENS CONCERNING JANUARY 28 NOTE: FEDERATED TURKISH STATE OF CYPRUS PROCEDURES FOR REGISTRATION OF PROPERTY OF FOREIGN NATIONALS AND ENTERPRISES DO NOT ACCORD WITH THE EXTENT OF PROTECTION OF PROPERTY INTERESTS AFFORDED BY INTERNATIONAL LEGAL STANDARDS. REGISTRATION BY INDIVIDUAL CLAIMANTS DOES NOT POSE RECOGNITION PROBLEM FOR USG AND WOULD NOT PRECLUDE SUBSE-

QUENT US ASSERTION OF CLAIM FOR DAMAGES ON BEHALF OF THOSE WHO REACQUIRE PROPERTY "AS IS." DEPARTMENT SHOULD BE IMMEDIATELY INFORMED, HOWEVER, IF FTSC SEEKS TO BIND REGISTRANTS WITH SOME FORM OF WAIVER OF FULL RIGHTS UNDER INTERNATIONAL LAW SO THAT DEPARTMENT CAN PREPARE ADVICE TO REGISTRANTS AND POSSIBLE SUBSEQUENT DEMARCHES.

3. ACCORDINGLY, DEPARTMENT BELIEVES THAT PRIVATE CITIZENS SHOULD NEITHER BE ENCOURAGED NOR DISCOURAGED FROM REGISTERING PROPERTY WITH FEDERATED TURKISH STATE OF CYPRUS. THOSE SEEKING GUIDANCE SHOULD BE INFORMED OF RIGHT OF INDEMNIFICATION BY TURKISH AUTHORITIES FOR ALL LOSSES SUSTAINED TO BOTH REALTY AND PERSONALLY SUBSEQUENT TO TURKISH INTERVENTION. SHOULD ALSO BE INFORMED THAT PROCEDURES OUTLINED IN JANUARY 28 NOTE DO NOT CONFORM TO CORRESPONDING OBLIGATION OF TURKISH AUTHORITIES. EMBASSY NICOSIA SHOULD MEANWHILE CONTINUE PROCESS OF RECEIPT AND DOCUMENTATION OF CLAIMS AND SHOULD CONTINUE TRANSMIT THESE TO APPROPRIATE TURKISH AUTHORITIES IN CYPRUS AND (VIA EMBASSY ANKARA) ON MAINLAND. THIS WILL ESTABLISH RECORD FOR EVENTUAL SETTLEMENT OF CLAIMS, WHICH WE REALIZE WILL BE COMPLICATED TASK OWING TO DIFFICULTIES INVOLVED IN TRYING TO PIN DOWN RESPONSIBILITY FOR SPECIFIC EVENTS AFFECTING INDIVIDUAL PROPERTY SINCE JULY 20.

4. REPLY TO JANUARY 28 NOTE: USG NEED NOT AS LEGAL
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 057040

MATTER MAKE DEMARCHE AT THIS TIME TO PRESERVE CLAIMS OF US NATIONALS. NOR IS IT NECESSARY TO REJECT OR ISSUE A SPECIFIC DISCLAIMER IN RESPONSE TO DENKTASH NOTE IN ORDER TO PRESERVE OUR POSITION ON NON-RECOGNITION. FTCS MAY BE VIEWED AS ACTING ON BEHALF OF GOT SO THAT FTCS INITIATIVE NEED NOT BE REJECTED AS LONG AS WE MAKE CLEAR OUR POSITION THAT GOT IS ULTIMATELY RESPONSIBLE TO SEE THAT U.S. CLAIMS ARE DEALT WITH IN ACCORDANCE WITH

INTERNATIONAL LAW STANDARDS. UNDER EXISTING INTERNATIONAL LAW, THERE IS NO QUESTION BUT THAT TURKEY IS CONTROLLING AUTHORITY IN NORTHERN CYPRUS AND THAT IT THEREFORE BEARS ULTIMATE RESPONSIBILITY TO ENSURE ADEQUATE PROTECTION AND INDEMNIFICATION OF US PROPERTY SUBSEQUENT TO TURKISH MILITARY INTERVENTION. NEVERTHELESS, DEPARTMENT BELIEVES THAT DEMARCHES TO TURKISH AUTHORITIES IN ANKARA AND CYPRUS WOULD USEFULLY UNDERSCORE USG INSISTENCE ON PRINCIPLE OF ADEQUATE COMPENSATION AND FACT THAT USG IS LOOKING BEYOND TURKISH CYPRIOT AUTHORITIES TO GOT AS PARTY BEARING ULTIMATE RESPONSIBILITY FOR SEEING THAT ADEQUATE COMPENSATION IS PROVIDED.

5. DEMARCHE WOULD MAKE CLEAR US INTEREST IN PROTECTING US PROPERTY AND RIGHT OF ACCESS, INDICATE INADEQUACY OF

PROPOSED COMPENSATION/REGISTRATION MEASURES, AND RESERVE US RIGHTS TO OBTAIN APPROPRIATE SETTLEMENT UNDER INTERNATIONAL LAW. GIVEN COMPLEXITIES OF SITUATION AND PRACTICAL POLITICAL REALITIES, DEPARTMENT AGREES THAT TECHNICAL DISCUSSION OVER WHETHER TURKEY IS "OCCUPYING POWER" SHOULD BE AVOIDED.

6. TEXT OF PROPOSED DENKTASH COMMUNICATION SHOULD BE ALONG FOLLOWING LINES AND SHOULD BE TRANSMITTED IN MANNER DEEMED MOST APPROPRIATE BY EMBASSY. QUOTE THE EMBASSY OF THE UNITED STATES OF AMERICA PRESENTS ITS COMPLIMENTS TO HIS EXCELLENCY RAUF DENKTASH AND HAS THE HONOR TO REFER TO THE COMMUNICATION OF JANUARY 28 RESPECTING PROPERTY CLAIMS OF FOREIGN INTERESTS IN TURKISH-CONTROLLED AREAS OF THE REPUBLIC OF CYPRUS AND TO POINT OUT THAT THIS COMMUNICATION, WHILE WELCOME AS A RECOGNITION OF THE INTERNATIONAL LEGAL OBLIGATION DUE

CONFIDENTIAL

CONFIDENTIAL

PAGE 04 STATE 057040

SUCH INTERESTS, FAILS TO DISCHARGE THIS OBLIGATION IN ACCORDANCE WITH RELEVANT INTERNATIONAL STANDARDS FOR THE PROTECTION OF PROPERTY HELD BY ALIENS AND THE INDEMNIFICATION OF LOSSES SUSTAINED FOR WHICH TURKISH GOVERNMENT AUTHORITIES MAY PROPERLY BE HELD ACCOUNTABLE.

--THE UNITED STATES MUST INSIST THAT MEASURES OF RESTORATION OF PROPERTY AND INDEMNIFICATION OF LOSSES SUSTAINED BE FULLY AND SPEEDILY IMPLEMENTED IN ACCORD WITH INTERNATIONAL STANDARDS, AND RESERVES ALL ITS RIGHTS UNDER INTERNATIONAL LAW TO OBTAIN AN APPROPRIATE SETTLEMENT. IN THIS REGARD, THE GOVERNMENT OF THE UNITED STATES WISHES TO EMPHASIZE ONCE AGAIN THAT RESTRICTIONS PLACED BY TURKISH AUTHORITIES ON THE EMBASSY'S PERFORMANCE OF ITS CONSULAR FUNCTIONS AND RESPONSIBILITIES IN

THE TURKISH-CONTROLLED AREAS OF THE REPUBLIC ARE NOT
COMPATIBLE WITH ACCEPTED INTERNATIONAL PRACTICES.
COMPLIMENTARY CLOSING. END QUOTE.

7. DEPARTMENT AGREES WITH EMBASSY ANKARA THAT DIPLOMATIC
NOTE RECEIVED MARCH 3 (ANKARA 1734) FROM "OFFICE OF THE
ANKARA REPRESENTATIVE, THE AUTONOMOUS TURKISH CYPRIOT
ADMINISTRATION, REPUBLIC OF CYPRUS" SHOULD BE IGNORED.
USG POSITION OUTLINED ABOVE, HOWEVER, SHOULD BE CONVEYED
IN NOTE DELIVERED AT LEVEL IN MFA EMBASSY DEEMS MOST
APPROPRIATE. NO DIRECT REFERENCE SHOULD BE MADE TO
TURKISH CYPRIOT COMMUNICATION RECEIVED MARCH 3. TEXT OF
NOTE SHOULD BE ALONG FOLLOWING LINES: QUOTE: THE
EMBASSY OF THE UNITED STATES OF AMERICA PRESENTS ITS
COMPLIMENTS ETC., AND HAS THE HONOR TO REFER TO RECENT
PROCEDURES PROPOSED FOR THE REGISTRATION OF PROPERTY
CLAIMS OF FOREIGN INTERESTS IN TURKISH-CONTROLLED AREAS

OF THE REPUBLIC OF CYPRUS. THE USG WELCOMES THE RECOGNI-
TION OF THE INTERNATIONAL LEGAL OBLIGATION THIS ENTAILS,
ALTHOUGH THE MEASURES PROPOSED FAIL TO DISCHARGE THIS
OBLIGATION IN LIGHT OF THE RELEVANT INTERNATIONAL STAN-
DARDS FOR THE PROTECTION OF PROPERTY HELD BY ALIENS,
AND THE INDEMNIFICATION OF LOSSES SUSTAINED FOR WHICH
TURKISH AUTHORITIES MAY PROPERLY BE HELD ACCOUNTABLE.

CONFIDENTIAL

CONFIDENTIAL

PAGE 05 STATE 057040

--THE USG MUST INSIST THAT MEASURES OF RESTORATION
OF PROPERTY AND INDEMNIFICATION OF LOSSES SUSTAINED
BE FULLY AND SPEEDILY IMPLEMENTED IN ACCORDANCE WITH
INTERNATIONAL STANDARDS AND RESERVES ALL ITS RIGHTS
UNDER INTERNATIONAL LAW TO OBTAIN AN APPROPRIATE
SETTLEMENT. IN THIS REGARD, THE USG WISHES TO EMPHASIZE
ONCE AGAIN THAT RESTRICTIONS PLACED BY TURKISH
AUTHORITIES ON THE PERFORMANCE BY THE U.S. EMBASSY IN
NICOSIA OF CONSULAR FUNCTIONS IN TURKISH-CONTROLLED AREAS
OF THE REPUBLIC ARE NOT COMPATIBLE WITH ACCEPTED INTER-
NATIONAL PRACTICES. THE USG IS HOPEFUL THAT THE PROPOSED
REGISTRATION PROCEDURES PRESAGE A TERMINATION OF
THESE UNACCEPTABLE CONDITIONS. COMPLIMENTARY CLOSING.
END QUOTE. INGERSOLL

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: POLITICAL SETTLEMENT, PROPERTY WAR CLAIMS, DIPLOMATIC NOTES
Control Number: n/a
Copy: SINGLE
Draft Date: 13 MAR 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ElyME
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE057040
Document Source: CORE
Document Unique ID: 00
Drafter: SGUDGEON:EUR/SE:RWERDMAN
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750089-1063
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750352/aaaabuzn.tel
Line Count: 215
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN L
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 75 NICOSIA 650, 75 NICOSIA 380, 75 NICOSIA 786
Review Action: RELEASED, APPROVED
Review Authority: ElyME
Review Comment: n/a
Review Content Flags:
Review Date: 16 APR 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <16 APR 2003 by ShawDG>; APPROVED <22 SEP 2003 by ElyME>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: PROPERTY CLAIMS IN TURKISH-CONTROLLED AREA OF CYPRUS
TAGS: PFOR, CPRS, CY, TU, US
To: NICOSIA ANKARA
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006